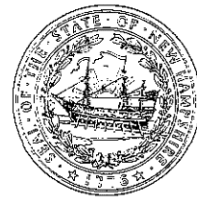




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

November 15, 2004

Mr. Charles Parker, President  
Odyssey Press, Inc.  
22 Nadeau Drive  
Rochester, NH 03867

Re: Docket No. AF 04-093 – Odyssey Press, Inc.

Dear Mr. Parker:

Enclosed for your records is a copy of the Administrative Fine by Consent Agreement in the above-captioned matter executed by Anthony P. Giunta, P.G., Waste Management Division Director, and accepted by Commissioner Michael P. Nolin on November 12, 2004. On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter.

Sincerely,

**COPY**  
Michael Scialini,  
Legal Assistant

cc: Anthony P. Giunta, P.G., Director, DES Waste Management Division  
Kerry D. Barnsley, Compliance Attorney, DES Legal Unit  
Linda Birmingham, DES WMD  
DES Public Information Officer



The State of New Hampshire  
**Department of Environmental Services**

**Michael P. Nolin**  
Commissioner



Odyssey Press, Inc.  
22 Nadeau Drive  
Rochester, New Hampshire 03867

**ADMINISTRATIVE FINE  
BY CONSENT**

**No. AF 04-093**

**I. INTRODUCTION**

This Administrative Fine by Consent is entered into by and between the Department of Environmental Services, Waste Management Division, and Odyssey Press, Inc. pursuant to RSA 147-A:17-a. This Administrative Fine by Consent ("Agreement") is effective upon signature by all parties.

**II. PARTIES**

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its main office at 29 Hazen Drive, Concord, NH.
2. Odyssey Press, Inc. ("Odyssey") is a New Hampshire corporation that registered with the New Hampshire Secretary of State's Office on January 17, 1989. Odyssey has a mailing address of 22 Nadeau Drive, Rochester, NH.

**III. BACKGROUND**

1. Pursuant to RSA 147-A, DES regulates the management and disposal of hazardous waste. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. Pursuant to RSA 147-A:17-a, the Commissioner of DES is authorized to impose fines of up to \$2,000 per offense for violations of RSA 147-A or rules adopted pursuant thereto. Pursuant to this section, the Commissioner has adopted Env-C 612 to establish the schedule of fines for such violations.
3. Odyssey is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities through DES on September 25, 2002. EPA Identification Number NHD510165517 was assigned to Odyssey's site located at 22 Nadeau Drive, Rochester, NH.
4. On March 26, 2004, DES personnel inspected Odyssey for compliance with RSA 147-A and its implementing regulations, the Hazardous Waste Rules. As a result of the violations of the Hazardous Waste Rules observed during this inspection, DES issued a Notice of Past Violation

("NOPV") to Odyssey on May 19, 2004. Based on the violations observed during the inspection listed above, DES believes that an administrative fine is appropriate in this case for the Class I violation.

#### **IV. ALLEGATIONS, ADMINISTRATIVE FINES**

1. Specifically, as stated in the NOPV, Odyssey failed to obtain a permit for the disposal of D001 hazardous waste "Roller Wash" poured onto contaminated wipers for laundering, as required by RSA 147-A:4 ("Violation 1"). Env-C 612.03(b) authorizes a fine of \$2,000 per disposal event.
2. Specifically, as stated in the NOPV, Odyssey failed to conduct and document the required number of inspections of the hazardous waste storage area, as required by Env-Wm 509.02(a)(1) ("Violation 2"). Env-C 612.07(a) authorizes a fine of \$1,000 per inspection per area.
3. Specifically, as stated in the NOPV, Odyssey failed to conduct hazardous waste training for the following employees with hazardous waste management duties, as required by Env-Wm 509.02(a)(2): one (1) year of annual training for Hazardous Waste Coordinator Tod Rodney; one (1) initial training for Emergency Coordinator Martin Parker and five (5) back-up Emergency Coordinators; one (1) initial training for four (4) Satellite Operators ("Violation 3"). Env-C 612.07(b) authorizes a fine of \$1,750 per individual not trained for initial training and \$1,000 per individual not trained for annual updates, for a potential fine of \$4,500 (*i.e.*, one count of failure to provide training for the Emergency Coordinators and one count for failure to provide training for the Satellite Operators due to the fact that training was required from only July, 2002 when Odyssey began generating hazardous waste).
4. Specifically, as stated in the NOPV, Odyssey failed to maintain a complete contingency plan on-site, as required by Env-Wm 509.02(a)(5) ("Violation 4"). Env-C 612.07(e) authorizes a fine of \$2,000.
5. Specifically, as stated in the NOPV, Odyssey failed to mark three (3) 5-gallon containers of used oil destined for recycle with the words "Used Oil for Recycle" as required by Env-Wm 807.06(b)(4) ("Violation 5"). Env-C 612.10 (a)(1), which references Env-Wm 807.06(b)(2), modified in August 2000 to Env-Wm 807.06(b)(4), authorizes a fine of \$50 for each container that is less than 55-gallons, for a potential fine of \$150.
6. Specifically, as stated in the NOPV, Odyssey failed to conduct a used oil determination, as required by Env-Wm 807.06(b)(7) ("Violation 6"). Env-C 612.10(c) which references Env-Wm 807.06(b)(4), modified in August 2000 to Env-Wm 807.06(b)(7), authorizes a fine of \$750 per determination not made.
7. Specifically, as stated in the NOPV, Odyssey failed to store eleven (11) 8-foot lamps, eight (8) 4-foot lamps and eight (8) 5-foot lamps, located in the Hazardous Waste Storage Area, in container(s) as required by Env-Wm 1112.03(a) and Env-Wm 1102.03(c) ("Violation 7"). For this violation, a fine of \$1,000 for storage practices that pose a hazard to human health and the environment has been calculated pursuant to Env-C 610.

8. Specifically, as stated in the NOPV, Odyssey failed to label/mark three (3) 8-foot boxes and two (2) 4-foot boxes of universal waste lamps with any of the following markings: "Universal Waste – Lamps(s) ," "Waste Lamp(s) ," or "Used Lamp(s) ," as required by Env-Wm 1112.04 and Env-Wm 1102.03(c) ("Violation 8"). For this violation a fine of \$100 for each container has been calculated pursuant to Env-C 610, for a potential fine of \$500.

#### **V. PAYMENT, WAIVER OF HEARING**

1. DES agrees to waive fines associated with Violations 2 through 8, because they are not Class I violations.
2. DES believes the following fine is appropriate for Violation 1, which is a Class I violation.
  - a. DES has determined due to Odyssey's high level of cooperation in providing information, its effort to correct that violation, and the fact that this was a one time unintentional violation, that a 40% reduction should be applied (*i.e.*, (20%) cooperation and (20%) one time unintentional). DES is thus seeking a fine of \$1,200.
3. Odyssey agrees to pay \$1,200, upon execution of this Agreement by an authorized representative of Odyssey.
4. Payment under Section V. Paragraph 3 shall be paid by certified check made payable to: "Treasurer, State of New Hampshire" and shall be mailed to:

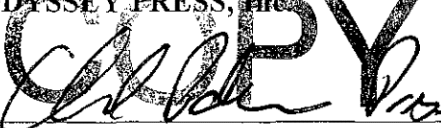
DES Legal Unit  
Attn: Michael Sclafani, Legal Assistant  
PO Box 95  
Concord, NH 03302-0095
5. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.
6. By executing this Agreement, Odyssey waives its right to a hearing on or any appeal of the administrative fines identified in this Agreement, and agrees that this Agreement may be entered into and enforced by a court of competent jurisdiction.
7. The effective date of this Agreement will be the date on which it is signed by an authorized representative of Odyssey, and the Director of the Waste Management Division, and the Commissioner of DES.
8. No failure by DES to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this Agreement on any further breach or default.

Odyssey Press, Inc.

Administrative Fine by Consent No. AF 04-093

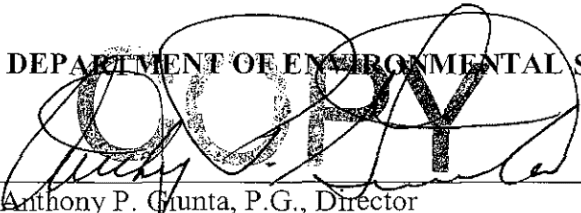
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ODYSSEY PRESS, Inc.

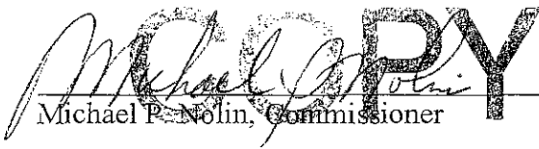
  
By: Mr. Charles Parker, President  
Duly Authorized

11/1/04  
Date

DEPARTMENT OF ENVIRONMENTAL SERVICES

  
Anthony P. Giunta, P.G., Director  
Waste Management Division

11/10/04  
Date

  
Michael P. Nolin, Commissioner

11 12 04  
Date